

Proposed Amendments to the Shoreland Zoning Ordinance and the Insect Growth Regulator and Insecticide Application Control Ordinance Dealing with the Use of Pesticides and Fertilizers

Proposed additions to the ordinances are underlined;
proposed deletions are ~~struck through~~

1. Amend Section 15.21 Non-Agricultural Fertilizer Use in the Shoreland Zoning Ordinance to read as follows:

15.21. Non-agricultural Fertilizer Use

~~15.21.1. The use of non-agricultural fertilizers is regulated by the Outdoor Pesticide Control and Fertilizer Use Ordinance. Chemical fertilizer, sludge or non-composted manure may be applied to within two hundred fifty (250) feet of the maximum high water line of a great pond, stream, tributary stream, HAT of the coastal wetland or the upland edge of a freshwater wetland.~~

~~15.21.2. Organic fertilizer or composted manure may be applied to within twenty-five (25) feet of the maximum high water line of a great pond, stream, tributary stream, HAT of the coastal wetland or the upland edge of a freshwater wetland.~~

2. Amend the title of the Insect Growth Regulator and Insecticide Application Control Ordinance to be the Outdoor Pesticide Control and Fertilizer Use Ordinance

3. Amend the Insect Growth Regulator and Insecticide Application Control Ordinance (proposed Outdoor Pesticide Control and Fertilizer Use Ordinance) to read as follows:

Section 1. Purpose

Scientific studies have shown that certain Insect Growth Regulators, neonicotinoids and insecticides adversely affect aquatic invertebrates, especially molting shellfish such as lobsters and crabs. In addition to harming shellfish, these chemicals may interfere with beneficial insect species such as ~~honey~~-bees and lepidopteran pollinators (moths and butterflies). The Town of Harpswell is comprised of approximately 216 ~~over 200~~ miles of coastline, numerous islands and narrow peninsulas such that discharges and runoff from inland areas are extremely close to coastal waters. The application of water soluble fertilizers are apt to runoff into the sea and overload it with nitrogen that causes algal blooms and coastal acidification which affect shellfish by inhibiting their shell formation. The purpose of this Ordinance is to establish regulations that will aid the Town in

protecting and maintaining the health of its shellfish resources, ~~and~~ marine environment, ~~and pollinators~~.

Section 2. Definitions

“Insect Growth Regulator” ~~– means any a~~ substance or mixture of substances that act to disrupt the action of insect hormones by interrupting or inhibiting the life cycle of insects ~~including, but not limited to, diflubenzuron and tebufenozide.~~

“Insecticide” ~~means~~ – a substance or mixture of substances intended to prevent, destroy, repel or mitigate insects.

Neonicotinoid ~~– a class of neuro-active insecticides including, but not limited to, acetamiprid, clothianidin, imidacloprid, nitenpyram, nithiazine, thiacloprid, and thiamethoxam.~~

Broadcast Application ~~– a treatment which is applied uniformly over an entire area, by air or ground; includes spraying or spreading.~~

Weed and Feed Fertilizer ~~– a mixture of fertilizer and pesticide.~~

Section 3. Prohibitions on Pesticide Use

The ~~following~~ outdoor use of the following pesticides is prohibited for non-agricultural use with in the territorial limits of the Town of Harpswell:

~~a)A~~ the use and/or application by any person by any method whatsoever of any Insect Growth Regulator (IGR) that prevents molting or inhibits exoskeletal formation; contains diflubenzuron or tebufenozide, or ; and

~~b)~~ the use and/or application by any person, by any method whatsoever of any neonicotinoid insecticide whose product label indicates that it is harmful to bees or aquatic invertebrates; or

~~B-c)~~ the aerial spraying broadcast application of any Insect Growth Regulator or Insecticide whose product label indicates that it is harmful to aquatic invertebrates.

Section 4. Use of Licensed Pesticide Applicators

Any application of general use pesticides, restricted pesticides, or weed and feed fertilizer for which compensation is paid, shall be done by an applicator licensed by the Maine Board of Pesticides Control.

Citizen’s Note: The Maine Board of Pesticides Control requires that applicators of pesticides be licensed in certain situations. This includes the use of any pesticide as a service for which compensation is received.

Section 5. Non-Agricultural Fertilizer Use Limitation

a) Within the shoreland zone:

i). no fertilizer shall be applied within twenty-five (25) feet of the maximum high water line of a great pond, stream, tributary stream, the highest annual tide (HAT) of the coastal wetland or the upland edge of a freshwater wetland.

ii) Between twenty-six (26) and two hundred fifty (250 feet), only non-water soluble fertilizer, compost, or composted manure may be applied.

b) Outside of the two hundred fifty (250) foot shoreland zone, water soluble chemical fertilizer, sludge or non-composted manure may be applied in addition to those allowed in (ii).

Section 64. Random Sampling

Upon the request of the Code Enforcement Officer, any person, firm, or corporation, being the owner of or having control or use of any Harpswell property, shall provide the Town with soil or leaf samples from a location on the property specified by the Code Enforcement Officer in sufficient quantity to permit laboratory testing of the soil or leaf in order to check for the presence of any Insect Growth Regulator (IGR) that prevents molting or inhibits exoskeletal formation ~~contains diflubenuron or tebufenozide, or any neonicotinoid~~ or insecticide whose product label indicates that it is harmful to aquatic invertebrates or bees.

Section 75. Violations

A person, firm, or corporation who uses or applies or causes to be used or applied any Insect Growth Regulator or Insecticide in violation of this ordinance shall be fined not less than \$1,000 nor more than \$2,500 for the first violation of this Ordinance. A fine of not less than \$2,501 nor more than \$5,000 shall be levied against any person, firm, or corporation violating this Ordinance for the second and each subsequent violation. Refusal to comply with the Code Enforcement Officer's sampling request shall result in a fine of not less than \$1,000 and may result in further action by the Town and its Code Enforcement Officer in seeking an administrative inspection warrant for the property.

Section 86. Enforcement

This Ordinance shall be enforced by the Code Enforcement Officer. The Code Enforcement Officer is hereby authorized to institute or cause to be instituted, in the name of the Town, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance.

Section ~~9~~7. Severability

To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Ordinance shall remain valid.